

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

DOROTHY J. GUTIERREZ,

Plaintiff,

vs.

Civ. No. 98-16 BB/LCS

KENNETH APFEL, Commissioner of
the Social Security Administration,

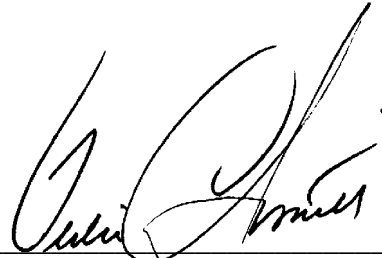
Defendant.

MAGISTRATE JUDGE'S PROPOSED FINDINGS
AND RECOMMENDED DISPOSITION

This matter comes before the Court *sua sponte*. On June 8, 1998, this Court filed an Order Setting Briefing Schedule. In that Order, the Plaintiff's motion to reverse or remand administrative decision was to be fully "bundled" and ripe by November 16, 1998. To date, some three weeks past the November 16, 1998 deadline, the "bundled" motion to reverse or remand administrative decision has yet to be filed with the Court. This failure to follow the Order Setting Briefing Schedule constitutes grounds for finding and recommending that this matter be dismissed without prejudice.

Timely objections to the foregoing may be made pursuant to 28 U.S.C. §636(b)(1)(C). Within ten days after a party is served with a copy of these proposed findings and recommendations that party may, pursuant to §636(b)(1)(C), file written objections to such proposed findings and recommendations. A party must file any objections within the ten day period allowed if that party wants to have appellate review of the proposed findings and

recommendations. If no objections are filed, no appellate review will be allowed.

A handwritten signature in black ink, appearing to read "Leslie C. Smith", is written over a horizontal line.

Leslie C. Smith
United States Magistrate Judge